

COMBINED DECLARATION AND POWER OF ATTORNEY FOR
ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL
DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION

As a below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHRYSPORIUM CELLULASE AND METHODS OF USE
the specification of which

- a. ☐ is attached hereto
- b. ☒ was filed on April 8, 1999 as application Serial No. 09/284,152 and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- c. ☒ was described and claimed in International Application No. PCT/US97/17669 filed on 30 September, 1997 and as amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO: Eugene Moroz
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, N.Y. 10154

DIRECT TELEPHONE CALLS TO: James Demers
(212) 758-4800

☒ I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or under § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have identified below such foreign application(s) for patent or inventor's certificate or such PCT international application(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:

☐ The attached 35 U.S.C. § 119 claim for priority for the application(s) listed below forms a part of this declaration.

<u>Country/PCT</u>	<u>Application Number</u>	<u>Date of filing (day, month, yr)</u>	<u>Date of Issue (day, month, yr)</u>	<u>Priority Claimed</u>
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

☐ I hereby claim the benefit under 35 U.S.C. § 119(e) of any U.S. provisional application(s) listed below.

Provisional Application No.

Date of Filing (day, month, yr)

ADDITIONAL STATEMENTS FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART
OR PCT INTERNATIONAL APPLICATION(S) (DESIGNATING THE U.S.)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or under § 365(c) of any PCT international application(s) designating the U.S. listed below.

08/731,170	October 10, 1996	Patented
US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)
US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)

☒ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith: John A. Diaz (Reg. No. 19,550), John C. Vassil (Reg. No. 19,098), Alfred P. Ewert (Reg. No. 19,887),

(34) David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No. 27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C.H. Lin (reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454), Andrew M. Riddles (Reg. No. 31,657), Bruce D. DeRenzi (Reg. No. 33,676), Michael M. Murray (Reg. No. 32,537), Mark J. Abate (Reg. No. 32,527), Alfred L. Haffner, Jr. (Reg. No. 18,919), Harold Haidt (Reg. No. 17,509), John T. Gallagher (Reg. No. 35,516), Steven F. Meyer (Reg. No. 35,613) and Kenneth H. Sonnenfeld (Reg. No. 33,285) of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York, 10154; and Edward A. Pennington (Reg. No. 32,588), Michael S. Marcus (Reg. No. 31,727) and John E. Hoel (Reg. No. 26,279) of Morgan & Finnegan, L.L.P., whose address is 1775 Eye Street, Suite 400, Washington, D.C. 20006.

[] I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents hereinabove.

Full name of sole or first inventor Mark Aaron EMALFARB

Inventor's signature* [Signature]

date 5-19-99

Residence 193 Spyglass Court, Jupiter, Florida 33477, US

Citizenship United States of America

Post Office Address 193 Spyglass Court, Jupiter, Florida 33477, US

Full name of second joint inventor, if any Irina Vladimirovna SOLOVJEVA

Inventor's signature* _____

date _____

Residence B-35 101, Pushchino, Moscow Region, 142292, RU

Citizenship Russia

Post Office Address B-35 101, Pushchino, Moscow Region, 142292, RU

Full name of sole or third inventor Arie BEN-BASSAT

Inventor's signature* _____

date _____

Residence 73 Ball Farm Way, Wilmington, Delaware 19808, US

Citizenship United States of America

Post Office Address 73 Ball Farm Way, Wilmington, Delaware 19808, US

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David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No. 27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C.H. Lin (Reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454), Andrew M. Riddles (Reg. No. 31,657), Bruce D. DeRenzi (Reg. No. 33,676), Michael M. Murray (Reg. No. 32,537), Mark J. Abate (Reg. No. 32,527), Alfred L. Haffner, Jr. (Reg. No. 18,919), Harold Haidt (Reg. No. 17,509), John T. Gallagher (Reg. No. 35,516), Steven F. Meyer (Reg. No. 35,613) and Kenneth H. Sonnenfeld (Reg. No. 33,285) of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York, 10154; and Edward A. Pennington (Reg. No. 32,588), Michael S. Marcus (Reg. No. 31,727) and John E. Hoel (Reg. No. 26,279) of Morgan & Finnegan, L.L.P., whose address is 1775 Eye Street, Suite 400, Washington, D.C. 20006.

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Full name of sole or first inventor Mark Aaron EMALFARB

Inventor's signature* _____

date

Residence 193 Spyglass Court, Jupiter, Florida 33477, US

Citizenship United States of America

Post Office Address 193 Spyglass Court, Jupiter, Florida 33477, US

Full name of second joint inventor, if any Irina Vladimirovna SOLOVJEVA

Inventor's signature* _____

date

Residence B-35 101, Pushchino, Moscow Region, 142292, RU

Citizenship Russia

Post Office Address B-35 101, Pushchino, Moscow Region, 142292, RU

Full name of sole or third inventor Arie BEN-BASSAT

Inventor's signature* Arie Ben-Bassat

May 21, 1999
date

Residence 73 Ball Farm Way, Wilmington, Delaware 19808, US

DE

Citizenship United States of America

Post Office Address 73 Ball Farm Way, Wilmington, Delaware 19808, US

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300

Full name of fourth joint inventor, if any Richard P. BURLINGAME

Residence 808 Norht 9th Street, Manitowoc, Wisconsin 54220, US date _____

Post Office Address 808 North 9th Street, Manitowoc, Wisconsin 54220, US

_____ date

Post Office Address 32-3-178 Akademik Kapitea Stn., Moscow 177667, RU

	date
Residence <u>Ab9-6 Puschino, Moscow 172292, RU</u>	

Post Office Address Ab9-6 Puschino, Moscow 172292, RU

- After the declaration is signed, the specification and claims are not to be altered.**

ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR
SIGNATURE BY THIRD AND SUBSEQUENT INVENTOR

Full name of fourth joint inventor, if any Richard P. BURLINGAME

Inventor's signature* _____

date

Residence 808 Norht 9th Street, Manitowoc, Wisconsin 54220, US

Citizenship United States of America

Post Office Address 808 North 9th Street, Manitowoc, Wisconsin 54220, US

Full name of fifth joint inventor, if any Vladimir Mikhaylovich CHERNOGLAZOV

Inventor's signature* _____

date

Residence 32-3-178 Akademik Kapitea Stn., Moscow 177667, RU

Citizenship Rissia

Post Office Address 32-3-178 Akademik Kapitea Stn., Moscow 177667, RU

Full name of sixth joint inventor, if any Oleg Nicolaevich OCOUNEV

Inventor's signature* *O. Ounev*

5/19/99
date

Residence Ab9-6 Puschino, Moscow 172292, RU RUX

Citizenship Rissia

Post Office Address Ab9-6 Puschino, Moscow 172292, RU

Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR
SIGNATURE BY THIRD AND SUBSEQUENT INVENTOR

Full name of seventh joint inventor, if any Philip T. OLSON

Inventor's signature Phillip T Olson 5/21/99
date

Residence 3220 Waldo Boulevard, Manitowoc, Wisconsin 54220, US WI

Citizenship United States of America

Post Office Address 3220 Waldo Boulevard, Manitowoc, Wisconsin 54220, US

Full name of eighth joint inventor, if any Arkady Panteleimonovich SINITSYN

Inventor's signature _____
date

Residence 7-761 Dovzenko Street, Moscow 119550, RU

Citizenship Russia

Post Office Address 7-761 Dovzenko Street, Moscow 119550, RU

Before signing this declaration, each person signing must:

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ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR
SIGNATURE BY THIRD AND SUBSEQUENT INVENTOR

Full name of seventh joint inventor, if any Philip T. OLSON

Inventor's signature _____

Residence 3220 Waldo Boulevard, Manitowoc, Wisconsin 54220, US date _____

Citizenship United States of America

Post Office Address 3220 Waldo Boulevard, Manitowoc, Wisconsin 54220, US

Full name of eighth joint inventor, if any Arkady Panteleimonovich SINITSYN

Inventor's signature A. Sinitsyn 5/19/99
date

Residence 7-761 Dovzenko Street, Moscow 119550, RU RUX

Citizenship Russia

Post Office Address 7-761 Dovzenko Street, Moscow 119550, RU

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PATENT

Docket No. 3123-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark A. Emalfarb *et al.* Group Art Unit : 1652
Serial No. : 08/731,170 Examiner : K. Lau
Filed : October 10, 1996 Issue Batch : F02
For : NOVEL CELLULASE COMPOSITIONS AND METHODS OF USE

**STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS UNDER 37 CFR §1.9(c) AND §1.27 (b) – INDIVIDUAL ASSIGNEE**

As the sole assignee of the entire title and right in the above-referenced patent application, I hereby state that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) and as a small entity as defined in 37 CFR § 1.9(f) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

NOVEL CELLULASE COMPOSITIONS AND METHODS OF USE

described in application Serial No. 08/731,170 filed October 10, 1996.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (CFR § 1.28(b))

Mark Aaron Emalfarb
Name of Inventor

Signature of Inventor

Date

7-1-98

NOTE: Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

[X] ATTACHED IS/ARE ADDED PAGE(S) TO COMBINED DECLARATION AND POWER OF ATTORNEY FORM FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS

* Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following are cited in or pertinent to the declaration attached to the accompanying application:

Title 37, Code of Federal Regulation, § 1.56

Duty to disclose information material to patentability.

(a) A patent by its very nature is affect with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Title 35, U.S. Code § 101

Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Title 35 U.S. Code § 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other ...

Title 35, U.S. Code § 103

Conditions for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, U.S. Code § 112 (in part)

Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms also enable any person skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Title 35, U.S. Code § 119

Benefit of earlier filing date in foreign country; right of priority

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

Title 35, U.S. Code § 120

Benefit or earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Please read carefully before signing the Declaration attached to the accompanying Application.

If you have any questions, please contact Morgan & Finnegan, L.L.P.

FORM:COMB-DEC.NY
Rev. 5/21/98

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